leagues at the mouth. *Com. v. Gaines*, 2 Va. Cas. 172; *Direct U. S. Cable Co. v. Anglo-American Tel. Co.*, 2 App. Cas. 394. But the border States of the Union have their boundary lines co-existent with the national boundaries; and hence the State courts have the same exclusive jurisdiction over adjacent waters as over other parts of their territory, except in so far as jurisdiction has been expressly granted to the general government. *People v. Tyler*, 7 Mich. 161; *U. S. v. Bevans*, 3 Wheat. 336; *Com. v. Manchester*, 152 Mass. 230.

NEGLIGENCE—CONTRIBUTORY—CYCLIST RIDING IN A RACE—QUESTION FOR THE JURY.—BENEDICT V. UNION AGRIC. SOCIETY, 52 ATL. 110 (VT.).—In an advertised bicycle race for which prizes were offered and entrance fees charged, a racer lowered his head over his handle-bars so that he failed to see and avoid a sulky, driven on the track preparatory to the succeeding race. *Held*, that contributory negligence on rider's part was a question for the jury.

This appears to be an attempt to establish contributory negligence on a new state of facts which modern bicycle racing has made possible. As two inferences could be drawn from the facts, it was for the jury to decide as to plaintiff's conduct. *Hathaway v. East Tennessee, etc., R. Co.*, 29 Fed. 489; *Hart v. Hudson River Bridge Co.*, 80 N. Y. 622. As a matter of law he was not negligent. Had he been riding on the highway as he did in the race, the rule in *Butterfield v. Forrester*, 11 East 60, would have applied, but "he conformed to the rules laid down and followed by others in a similar line of business and, as a matter of law, that was all he could be asked to do.

PRIVATE NUISANCE—POWDER MAGAZINE—PROXIMITY TO DWELLINGS—EXPLOSION.—REILLY V. ERIE R. R. CO., 76 N. Y. SUPP. 620.—The plaintiff and her dwelling were seriously injured by the explosion of a large quantity of dynamite, stored in the powder magazine of the defendant, situated less than 100 feet from her own, and several other dwellings. On appeal, *held*, that the jury were justified in finding that the keeping of such a quantity of explosive, in such a locality, was a nuisance, irrespective of negligence.

This decision, making the character of the storage of explosives as a nuisance, depend upon locality and surrounding circumstances, and not upon negligence, follows the great weight of authority. *Heeg v. Licht*, 80 N. Y. 579; *McAndrews v. Collerd*, 42 N. J. L. 189. Some decisions go even farther, holding the keeping of gunpowder a nuisance *per se*. *Laflin Rand Powder Co. v. Tierney*, 23 N. E. 389. The dissenting opinion in the present case held that liability must depend on negligence in locating and storing the powder, and thus construed *Heeg v. Licht*, cited above. This is not the usual interpretation of that case, see *Cooley on Torts*, 723. The other cases cited in support of this novel view may be distinguished as referring to various kinds of business which only become nuisances through the negligent manner in which they are carried on. *Bohan v. Gaslight Co.*, 122 N. Y. 18; *Losee v. Buchanan*, 51 N. Y. 476.

SERVANTS—INJURIES—EMPLOYER'S LIABILITY—MAINTENANCE OF A SAFE WORKING PLACE.—MCLAINE V. HEAD & DOWST CO., 52 ATL. 545 (N. H.).—A servant, at work at the bottom of a deep trench into which earth was being dumped from time to time, was injured through the neglect of a foreman to give warning of the approach of one load. *Held*, that the employer, having provided a competent servant to give this warning, was not liable for the injury. Remick, J., *dissenting*.